

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 08-cr-196-pp

v.

CHRISTOPHER D. JOHNSON,

Defendant.

**ORDER GRANTING DEFENDANT'S MOTION FOR EARLY TERMINATION OF
SUPERVISED RELEASE (DKT. NO. 95)**

On October 21, 2008, the parties filed a plea agreement in which the defendant pled guilty to one count of possession of crack with intent to distribute and one count of knowingly possessing a firearm in furtherance of a drug offense. Dkt. No. 10. On December 3, 2009, Judge Charles N. Clevert, Jr. sentenced the defendant to serve 161 months in custody followed by five years of supervised release. Dkt. Nos. 49, 51. On November 12, 2010, Judge Clevert reduced the defendant's sentence to 142 months. Dkt. No. 74. In 2012, Judge Clevert reduced the sentence further, to 117 months. Dkt. No. 83.

On July 24, 2020, the court received from the defendant the current motion for early termination of supervised release. Dkt. No. 95. The defendant stated in the motion that while in prison, he had completed a twelve-hour drug program, been employed, paid his special assessment and completed several programs. Id. at 1. He explained that he earned an associate's degree from Lassen Community College. Id. The defendant said that while he was in the

halfway house, he found a job, and that he worked there about four months until coming to Milwaukee in December 2017. Id. He moved in with his brother and sister-in-law, and says he built a good relationship with his family. Id. He has completed the Thinking for Change program. Id. at 2. While on supervision, he moved in with a different sister, who is paralyzed—he helped her. Id. He says that he has had no positive drug screens, has gotten his driver's license, has gotten his own place and has made all his appointments with his psychiatrist. Id.

The probation office reports that the defendant began his five-year term of supervised release on June 1, 2018. Dkt. No. 98 at 2. Probation reports that the defendant had no court-reported violations in the twelve months prior to filing his motion for early termination, that he has made great strides in his alcohol/drug rehabilitation, family reintegration, education and employment. Id. at 5. Probation notes that the defendant had, as of the date probation filed its report, served nearly half of his five-year term of supervision. Id. The probation office recommended that the court reduce the supervised release term from five years to three (putting his discharge date around the end of May 2021), to give him time to transition his mental health services and to continue to show that he can live a prosocial life. Id.

The government informed the court that it did not object to early termination of the defendant's supervision but asked that the court not make the termination effective immediately. Dkt. No. 99 at 1-2. While acknowledging the defendant's accomplishments, the government noted that the defendant

has a long history of crimes against property and involving firearms, which the government argues makes him a danger to the community. Id. at 3. The government notes that probation has reported that the defendant's need for mental health treatment is strong, and that at the time the government filed its response, the defendant was seeking a treatment provider; the government suggested that before the court grants termination of supervised release, the defendant needs to demonstrate that he can secure mental health treatment. Id.

After the defendant filed his request for early termination (which he filed on his own behalf, without counsel), the defendant was able to secure the assistance of a lawyer. Dkt. No. 97. The defendant's attorney was able to confirm that the defendant had insurance that would cover mental health treatment, and that the defendant had an initial appointment scheduled for September 10. Dkt. No. 103 at 2. Counsel also pointed out that Judge Clevert's initial sentence of 161 months was based on the belief that the defendant qualified as a career offender under U.S.S.G. §4B1.1, but that the law since has changed and that the defendant no longer qualifies as a career offender. Id. Counsel asked for immediate termination of the defendant's supervised release. Id. at 3. Several days later, counsel verified that the defendant had attended his first mental health appointment and had another one scheduled. Dkt. No. 106. Counsel opined that this satisfied the concern the government had expressed about terminating the defendant's supervision before he had secured mental health treatment. Id.

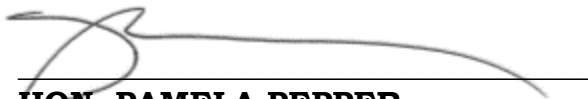
The defendant now has served two years and three months of his five-year supervised release term. The parties all agree that the defendant has made substantial progress—he has stayed clean, has held jobs, has a residence, has furthered his education and, just recently, has secured a mental health provider. The court commends the defendant on his great progress—he should be proud of himself and his achievements.

The court agrees with the parties that early termination of supervision is appropriate. The court understands the defendant's desire to terminate supervision immediately. The court believes, however, that it is appropriate for the defendant to serve half of the supervised release term. This is still a substantial reduction in the term of supervised release. But it gives the defendant the opportunity to establish a pattern with his mental health provider. The court congratulates the defendant and wishes him the best of luck moving from supervision to completely independent living in the community.

The court **GRANTS** the defendant's motion for early termination of supervised release. Dkt. No. 95. The court **ORDERS** that the defendant's supervised release is terminated as of **December 1, 2020**.

Dated in Milwaukee, Wisconsin this 28th day of September, 2020.

BY THE COURT:


HON. PAMELA PEPPER
Chief United States District Judge